

REMARKS

Summary of the Office Action

Claims 29-31 have been rejected under 35 U.S.C. 101 as directed to non-statutory subject matter.

Claims 1-31 have been rejected under 35 U.S.C. 112 as indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

Claims 1-31 have been rejected on the grounds of non-statutory obviousness-type double patenting over claims 1-17 of copending application S/N 11/547,181 in view of U.S. Patent No. 6,725,321 to Sinclair ("Sinclair I").

Claims 1, 26, and 29 have been rejected under 35 U.S.C. 102(b) as anticipated by Sinclair I.

Claims 1-5 and 26-31 have been rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,740,396 to Mason ("Mason").

Claims 6-15 have been rejected under 35 U.S.C. 103(a) as obvious over Mason in view of U.S. Patent No. 6,069,827 to Sinclair ("Sinclair II").

Claims 16-25 have been rejected under 35 U.S.C. 103(a) as obvious over Mason in view of Sinclair II and U.S. Patent No. 6,477,632 to Kikuchi ("Kikuchi").

Applicant's Response

Claims 1-31 have pending in the application. Claims 1 and 4-26 have been amended, claims 2-3 and 27-31 have been canceled, and new claim 32 has been added. Therefore, upon entry of the present amendment, claims 1, 4-26, and 32 will be subject to examination.

A. The Rejection under 35 U.S.C. 101

Claims 29-31 have been canceled, therefore, this rejection is moot as to claims 29-31.

B. The Rejection under 35 U.S.C. 112

Applicant has introduced a number of amendments throughout the claims to create proper antecedent basis to claim terminology. Additionally, Applicant has replaced the expression “characterized in that” with “wherein” throughout the claims.

C. The Double Patenting Rejection

Applicant believes that the present amendment obviates the double patenting rejection. If, after entry of the present amendment, the Examiner is still of the opinion that double patenting is present, Applicant may submit a terminal disclaimer in a subsequent amendment.

D. The Rejections under 35 U.S.C. 102(b)

A claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegall Bros. v. Union Oil of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). An anticipating prior art patent or printed publication must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention. *In re Spada*, 911 F.2d 705, 708 (Fed. Cir. 1990); *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 1566, 1567 (Fed. Cir. 1988).

Independent claims 1, 26, and 32 and the claims depending thereon, as currently amended, are not anticipated by Sinclair I or Mason at least because neither reference teaches or suggests that the address translation table, the empty block table, and write pointer are stored in the non-volatile memory.

E. The Rejections under 35 U.S.C. 103(a)

A prima facie case of obviousness requires: (1) a suggestion or reason to combine; (2) a reasonable expectation of success; and (3) a teaching or suggestion of all claim limitations in the prior art. *Brown & Williamson Tobacco Corp. v. Philip Morris*, 229 F.3d 1333, 1342 (Fed. Cir. 2003); *In re Regal*, 526 F.2d 1399, 1403 (C.C.P.A. 1975).

Claims 6-15 and 16-25, as currently amended, are not obvious in view of the combinations of Mason and Sinclair II, or of Mason, Sinclair II, and Kikuchi, because the cited combinations fail to teach or suggest all limitations in Applicant's claims 6-15 and 16-25.

Each of claims 6-15 and 16-25 depends from independent claim 1. For the reasons discussed in the preceding paragraph, the combination of Mason and Sinclair II does not teach or suggest that the address translation table, the empty block table, and write pointer are stored in the non-volatile memory.

With specific reference to claim 6, the Examiner has asserted that Sinclair discloses a way to designate memory block from which data is to be erased by referring to FIGS. 3a and 3b therein. Applicant is unable to find a disclosure in Sinclair II that relates to the manner of designation defined in claim 6. Sinclair II states, at column 6, lines 34-36: "Following an erase block erase operation, the erase block number is incremented by one," but this manner of designation is different from the claimed invention.

Further, the manner of designating an erase block in Mason and Sinclair II are different from each other. For example, in Sinclair, the block number of to be erased block must be identified one by one to achieve the object of the invention, but if this architecture is applied to Mason, the invention of Mason cannot be enabled. Therefore, Mason and Sinclair cannot be combined.

Therefore, Sinclair II and Mason cannot be combined. Because claims 7-25 depends, directly or indirectly, from claim 6, the above considerations apply to each of those claims.

Conclusion

Based on the foregoing, reconsideration and allowance of the claims is solicited. If necessary, the Commissioner is hereby authorized in this and concurrent replies to charge payment (or credit any overpayment) to Deposit Account No. 50-2298 for any additional required fees.

Respectfully submitted,

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Date

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